

City of St. Clair Shores

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John D. Caron

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Peter A. Rubino

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April 14, 2014

nkbambam@wowway.com

Mr. Keith Bammel
Ms. Nicole Bammel
23163 Gladhill Lane
St. Clair Shores MI 48080

RE: FOIA Request

Dear Keith and Nicole:

Several years ago the St. Clair Shores City Council appointed the Mayor as the "Head of the Public Body" with respect to the handling of appeals of FOIA Denials. Therefore, the responsibility falls to me to decide whether to grant or deny your appeal.

As you are aware, the City has tried to be very transparent with all matters relating to the "Lexie" incident. The release of much information through the Freedom of Information Act has already taken place. However, your request for the Internal Affairs Investigation Report places upon me a burden that has, to my knowledge, not been faced before. I do not believe that this City has ever received a FOIA request for an Internal Affairs Investigation Report. Hence, your request has caused me to review the law through our City Attorney's office and to seek the advice and counsel from administration and others.

Generally speaking, an Internal Affairs Investigation Report is the written conclusion of the Internal Affairs Officer who has conducted a detailed investigation looking into alleged wrongdoing of an employee. In order to conscientiously conduct such an investigation, many people are interviewed including other police officers. The integrity of such reports are completely dependent upon the willingness of others to be forthcoming in their statements. The ultimate goal, of course, is to seek the truth so that police agencies and their personnel remain free from wrongful behavior.


As such, I must not only look at this particular FOIA Request, I must look at what precedent is set if this Internal Affairs Investigation Report is released. The essential inquiry is whether "the public interest in disclosure outweighs the public interest in non-disclosure in a particular instance". The Michigan Supreme Court has agreed with the following:

1. Internal investigations are inherently difficult because employees are reluctant to give statements about the actions of fellow employees.
2. If those statements would be a matter of public knowledge they might refuse to give any statements at all or be less than totally forthcoming and candid.

3. Also, disclosure could be detrimental to some employees.
4. Public disclosure of records relating to internal investigations into possible employee misconduct would destroy or severely diminish the...department's ability to effectively conduct such investigations.

I sincerely believe that transparency and the disclosure of information relating to the "Lexie" incident is important. But because such information has been substantially revealed already pursuant to previous FOIA Requests, I must, for the reasons set forth above, deny the request for the Internal Affairs Investigation Report. I ask your understanding in this matter and further request that you respect this decision as being in the ultimate best interest the City and its residents.

Very truly yours,

A handwritten signature in blue ink that reads "Kip C. Walby". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

KIP C. WALBY
Mayor

KCW: